

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROY DEN HOLLANDER,

Case No.: 08 CV 04045 (FB)(LB)

Plaintiff,

-against-

DEBORAH SWINDELLS DONOVAN, PAUL W.  
STEINBERG, and JANE DOE,

Defendants.  
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**SUPPLEMENTAL DECLARATION OF DIANE KREBS, ESQ.**

Diane Krebs, an attorney duly admitted to practice in the State of New York, hereby affirms the following under the penalty of perjury:

1. I am a partner with the law firm of Gordon & Rees LLP, counsel for Defendant Deborah Swindells Donovan ("Donovan"). As counsel for Donovan, I am fully familiar with the facts set forth herein. This Supplemental Declaration is submitted in further support of defendant Donovan's motion to dismiss and in opposition to plaintiff's cross-motion to file a supplemental Complaint.

2. Annexed hereto as Exhibit "1" is a true and correct copy of *National Assoc. of Freelance Photographers v. Associated Press*, No. 97 CIV. 2267 (DLC), 1997 WL 759456 (S.D.N.Y. Dec 10, 1997).

3. Annexed hereto as Exhibit "2" is a true and correct copy of *Noble v. Town Sports Intern., Inc.*, No. 96 CIV. 4257 (JFK), 1998 WL 43127 (S.D.N.Y. Feb. 2, 1998).

4. Annexed hereto as Exhibit "3" is a true and correct copy of *Tabachnik v. Dorsey*, No. 04 Civ. 9365 (SAS), 2005 WL 1668542 (S.D.N.Y. July 15, 2005).

5. Annexed hereto as Exhibit "4" is a true and correct copy of *Tabachnik v. Dorsey*, No. 05-6246, 257 Fed. Appx. 409, 2007 WL 4386196 (2d. Cir. 2007).

6. Annexed hereto as Exhibit "5" is a true and correct copy of *Caldwell v. Rudnick*, No. 05 Civ. 7382 (NRB), 2006 WL 2109454 (S.D.N.Y. July 26, 2006).

7. Annexed hereto as Exhibit "6" is a true and correct copy of *Shell v. Devries*, No. Civ. 06-CV-00318-REB, 2007 WL 324592, (D. Colo. Jan. 31, 2007).

8. Annexed hereto as Exhibit "7" is a true and correct copy of *Shell v. Devries*, No. 07-1086, 2007 WL 4269047 (10<sup>th</sup> Cir. Dec. 6, 2007).

Dated: New York, New York  
April 17, 2009



Diane Krebs (DK 8280)